

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

The Council Meeting of the Borough of Wind Gap on Monday, October 6, 2014, was called to order at 7:30 p.m. by Council President George Hinton. In attendance were Councilmen: Jon Faust, David Valley, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the meeting minutes of September 16, 2014 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for September 2014 in the amount of \$72,688.05 and seconded by David Valley. George asked that the invoice for SuperHeat in the amount of \$5,750 be held because they have not fully completed the work at the new building.

Jon Faust asked for an explanation regarding an invoice from Wrecker's International. Chief Armitage explained that the Wind Gap Police Department had to have a vehicle towed from Monroe County and brought to Wind Gap. It was impounded and a search warrant was obtained because the vehicle was believed to be involved in a burglary. The Borough would be reimbursed the cost if the case is solved and restitution is paid.

Amended motion by Tony Curcio to approve the expenses for September 2014 in the amount of \$72,688.05 less \$5,750 (\$66,938.05) and seconded by David Valley. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of September are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: N/A.

Land Development Matters:

Review File, Borough SALDO, Preparation of Comprehensive Official Action Correspondence and Receipt of Extension of Time form in West Street L.L. Plan (Muschlitz).

Zoning and Other Land Use Matters:

E-mails (to/from) Attorney for Emerald Property Group re Fence and access to Borough property.

Receipt, Review and Administration of Correspondence from Attorney Gromelski re US EPA Administrative Order on Storm Sewer System.

Developments on Outstanding Litigation:

Comprehensive Telephone Conference with Creditor's Attorney in Dalmation Fire Equipment-Duerr Claim.

Court Decisions on Borough Cases: N/A.

Miscellaneous:

Legal Research on PA Sunshine Act-Regional Police Force Issue.

Receipt, Review and Administration of Correspondence from Solicitor to Slate Belt Regional Police re Borough's pension contribution and Minimum Monthly Obligation (MMO) for 2015.

Preparation of Monthly Solicitor's Report for September 2014.

Outstanding Items:

Home Occupation, Clear Site Triangle (and related) Zoning Ordinance Amendments.

Stop Sign Ordinance - awaiting Engineering Study from Borough Engineer.

Dog Park Ordinance – awaiting final work as to location and dimensions.

Fire Company Ordinance

Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending.

Ordinance for loitering, begging, and panhandling – pending but inactive.

Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Attorney Karasek referenced his letter dated September 12, 2014 regarding correspondence from Attorney Gromelski offering to represent the Borough regarding a recent administrative order issued by the U.S. EPA regarding improvements to the municipal storm sewer system. Brian replied that he is working through the order with the DEP and EPA. He does not believe that an attorney needs to be involved.

ENGINEER'S REPORT

Brian Pysher reported that the work continues at the new municipal complex and if Council has any questions, please ask him. He asked that both the Fire Company and Ambulance Corps have representatives at the next building meeting in order to discuss the keying of the door locks and the placement of the key FOBs. The weekly meeting at the building is scheduled for Wednesday, October 7 at 4:00 p.m. He contacted a compressor company from Upper Mt. Bethel and they will service the compressor and plumb it. The electrician has all the exhaust fans working properly. The relays are in place, but the low voltage wiring needs completed and mount the CO sensors. SuperHeat still has to install a single damper and then Labor and Industry can do the final mechanical inspection.

NEW BUSINESS

1. West Street Land Development Plan

SALDO Waivers and Conditional Approval for Plan.

Attorney Karasek explained that the Wind Gap Planning Commission held a hearing on the West Street Land Development Plan on September 11, 2014 and provided Council with a Recommendation to Grant twelve (12) SALDO Waiver Requests based on a letter from the applicant's engineer, Rocco Caracciolo, PE, dated August 14, 2014.

No. 1 **On motion** by Kerry Gassler to grant a waiver for SALDO Sec. 307.A - Revised Subdivision and/or Land Development Plans. Any re-subdivision of recorded Plans shall be considered as a new application and shall comply with all requirements of this Ordinance, including submission of Preliminary and Final plans as separate submissions. Motion seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

No. 2 **On motion** by Tony Curcio to grant a waiver for SALDO Sec. 402.A.4 – Drafting Standards: Preliminary Plans and all submitted prints thereof shall be made on sheets of standard 24 inches by 36 inches in size. Motion seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

No. 3 **On motion** by Kerry Gassler to grant a waiver for SALDO Sec. 403.C.4 – Existing Features: Significant man-made or natural features such as floodplains, watercourses, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, or wooded area within 200 feet of the subject tract should be shown on plan. Motion seconded by David Valley. Roll call vote taken. Motion carried unanimously.

No. 4 **On motion** by Joe Weaver to grant a waiver for SALDO Sec. 504 and 509.A.10 – Grading: The grading of the roadway shall extend the full width of the cartway, shoulder, and swale areas, if applicable. Where possible, grass strips or channels between the curb or shoulder and right-of-way line should be graded at 3:1 slope; however, when unusual topographic conditions exist, good engineering practice shall prevail.

And

509.A.10 – Streets, Private Streets, and Driveways Classification and General Design Goals: As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum of 3:1 slope. Additional condition, that area is stabilized, the grading approved by the Borough Engineer and that temporary grading easements be obtained by Applicant. Motion seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

No. 5 **On Motion** by Dave Hess to grant a waiver for SALDO Sec. 506.F.4.g – A minimum one (1) foot freeboard shall be provided above the water surface elevation flowing through the emergency spillway while conveying the 100 – year post development storm in an emergency (blocked principle outlet) condition. Motion seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

No. 6 **On Motion** by Jon Faust to grant a waiver for SALDO Sec. 506.F.4.i – Basins should have an access ramp at 10:1 slope, 10 foot wide for maintenance equipment. Motion seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

No. 7 **On Motion** by Kerry Gassler to grant a waiver for SALDO Sec. 506.G.7 – Storm water management pipe collection and conveyance systems shall have a minimum diameter of fifteen (15) inches and shall be made of reinforced concrete pipe (RCP) or smooth lined high-density polyethylene pipe (HDPE). Where installation depths exceed fifteen (15) feet from ground surface to the crown of pipe, structural calculations that address the actual design requirements will be required. Only concrete pipes are acceptable through dams and crossing of public streets. Additional condition, that the on-site and off-site pipe run within the Borough right-of-way (row) will be maintained by the Applicant. Motion seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

No. 8 **On Motion** by Kerry Gassler to grant a waiver for SALDO Sec. 506.G.8 – All storm sewer pipe and culverts shall be laid to a minimum depth of one (1) foot from finished subgrade to the crown of pipe in paved areas and one (1) foot from finished grade to the crown of pipe in grassed areas. Motion seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

No. 9 **On Motion** by Jon Faust to grant a waiver for SALDO Sec. 509.A.14 – Streets, Private Streets and Driveways Classification and General Design Goals: All proposed street shall be offered for dedication. Where a waiver of this Section is granted by the Borough, all private streets shall conform to the requirements of Section 509.H. Additional condition, that the Applicant establish a Home Owners Association (HOA) acceptable to Borough Solicitor and the HOA to assume maintenance, repair and replacement of roadways. Motion seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

No. 10 **On Motion** by Kerry Gassler to grant a waiver for SALDO Sec. 509.A.15 – Street Classifications. Motion seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

No. 11 **On Motion** by Dave Valley to grant a waiver for SALDO 509.G.7 – Right-of-Way and Cartway Widths: The minimum street rights-of-way and cartway widths for new local streets are as follows:

- a. R/W 50'
- b. Cartway – 36" in Residential Areas
- c. Traffic Lanes – 2 lanes @ 10' each
- d. Parking – Parallel – 2 lanes @ 8'
- e. Strip – None Required
- f. Left Turn Holding Lanes – No
- g. Pedestrian Way – Sidewalk width 2 @ 4' min.

For the proposed Quarry Road, Quarry Lane, and Quarry Drive, the applicant proposes a 28' paved cartway width with curbing and sidewalk on both sides. These modifications reduce the amount of impervious surface, which reduces the storm water runoff impacts from the site, while maintaining safe travel ways for both vehicles and pedestrians. Additional condition, that no parking in the private streets within the development but this restriction does not apply to East West Street. Motion seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

No. 12 **On Motion** by Joe Weaver to grant a waiver for SALDO 510.C.1 – Curbs: Curbs shall be installed to the dimensions and construction standards of the Borough's Ordinance for Curb and sidewalks, as amended. Motion seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to grant conditional preliminary and final plan approval of the revised plan (dated December 17, 2009 and revised on May 8, 2014 and August 14, 2014). The conditions were that all of the outstanding items outlined of the Borough Engineer's Review Letter dated September 10, 2014 must be met with the following modifications or additions:

Item No. 20 - under the SALDO Section 509.A.14 - has been waived

Item No. 35 - under the SALDO Section 403.E.2.f - includes the requirement that the Applicant must enter into a Development Improvements Agreement with the Borough, approved by the Borough Engineer and prepared by the Borough Solicitor, to secure performance in the completion (and, where appropriate, the maintenance) of all improvements.

Item No. 36 - under the SALDO Section 403.E.2.h - includes the requirement that there be the establishment of a Home Owner's Association (HOA) to maintain, repair and replace the private streets within the development. However, East West Street will be dedicated for acceptance by the Borough after the street improvements have been made to Borough standards and then inspected and approved by the Borough Engineer. This dedication notwithstanding, the dual twelve inch (12") storm water pipes crossing East West Street will continue to be maintained, repaired and replaced by the HOA not the Borough. The motion was seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

2. Resolution for Slate Belt YMCA Grant Application. George explained that the Slate Belt YMCA submitted a grant application and is asking for Wind Gap Borough Council to support their application with a resolution

On motion by Jon Faust to authorize Attorney Karasek to prepare a resolution in support of the Slate Belt YMCA grant application and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Park Master Plan Report. Attorney Karasek requested clarification to two questions. The contract does not deal with any extras so how does the committee want to handle language for extras. Typically, the extras must be in writing and must be approved by both sides. How should the billing of the extras be worded (30 days or 45 days). Clarification for the costs of the project (normally, costs are reimbursed). Ideally, the full cost of the project should be included in the contract as an all-inclusive number. Attorney Karasek suggested "reasonable and necessary costs associated with the project". Joe will send document to Attorney Karasek and once all the language has been clarified, it will be forwarded to DCNR for approval prior to advertising.

OLD BUSINESS

1. Wind Gap Ambulance Corps Report. Kerry Gassler reported that the Ambulance Corps Board met and review the by-laws. The Board attended the Corps meeting to discuss the concerns expressed by members of the Corps at the previous Council meeting. If the Corps desires to make any changes to the Corps, they have to make a motion, send everybody a letter informing all members within thirty (30) days and take a vote in order to allow the Board more power in the management of the Corps. The Board of Directors was established to be an advisory board over the finances not to control the day to day operations of the ambulance. The Board encouraged the members to seek out more volunteers in order to continue the operation of the ambulance. They agreed to meet again prior to the next meeting. The volunteers do not get paid, so that has also been a topic of discussion. Kerry will be able to report back to Council after their next meeting on the continued progress of the ambulance. He added that the issue regarding the rescue truck has been taken care of and is no longer an issue.

2. Signs - Properties for Sale. George reported that the real estate signs have been put up. The bids will be opened on December 16, 2014 at 2:00 p.m. George added that he gave a tour of the Ambulance Corps building today and they also expressed some interest in the firehouse.

3. Regional Police - Dave Hess reported that the Slate Belt Regional Police Department was the recipient of the entire \$150,000 Gaming Grant that was applied for through Northampton County.

On motion by Tony Curcio to adjourn the meeting of October 6, 2014. Council agreed unanimously. The meeting of October 6, 2014 adjourned at 8:30 p.m.

Louise Firestone, Borough Administrator